

### REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of this Amendment, new Claims 17-30 are presented for consideration and are readable on the elected species. Claims 1-4, 6, 7 and 16 remain readable on the elected species. Claims 8-15 directed to the non-elected species have been canceled. Applicants reserve the right to file a divisional application containing such claims.

In the Amendment filed on May 24, 2005, Claim 1 was amended to recite that a portion of the wave of the waved connecting member is formed between the waved elements. Referring to the embodiment of the stent illustrated in Fig. 2, this language was intended to define the portion 122a and/or 122b of the wave of the waved connecting member 12 positioned between portions of the waved element forming one of the annular expanding members. It is understood from the comments in the Official Action that this language was interpreted to mean that a portion of the wave of the waved connecting member is formed between the waved elements of adjacent annular expanding members. To more clearly set forth the intended wording in Claim 1, Claim 1 has been amended to recite that a portion of the wave of each of the plurality of waved connecting members is positioned between portions of a single one of the waved elements. By virtue of this language, the claimed stent is distinguishable over the stent disclosed in International Application Publication No. WO 99/36002 to *Vardi et al.* Referring to the annotated copy of Fig. 10 of *Vardi et al.* accompanying the June 29, 2005 Official Action, it is understood that the designated wave connecting member "Y" was interpreted as corresponding to the waved

connecting member as previously claimed. Such waved connecting member "Y" does not include a portion positioned between portions of a single one of the waved elements. It is thus respectfully submitted that the stent defined in independent Claim 1, and dependent Claims 2-4, 6 and 7, is patentably distinguishable over the disclosure contained in *Vardi et al.*

New independent Claim 17 is similar in some respects to independent Claim 1, but recites that the waved element forming the first annular expanding member comprises a plurality of substantially linear segments, and further recites that a portion of the wave of at least two of the plurality of waved connecting members is positioned between such substantially linear segments of the first annular expanding member. This claimed configuration is also distinguishable over the stent disclosed in *Vardi et al.*

New independent Claim 26 defines that the waved element forming the first annular expanding member and the waved element forming the second annular expanding member comprise a plurality of substantially linear segments. Claim 26 also recites that a portion of the wave of at least two of the plurality of waved connecting members is positioned between the substantially linear segments of the first annular expanding member, and a portion of the wave of at least two of the plurality of waved connecting members is positioned between the substantially linear segments of the second annular expanding member. Once again, this claimed construction differs from that disclosed in *Vardi et al.*

It is respectfully submitted that all of the claims currently pending in this application are allowable. Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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